



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/714,743	11/16/2000	Satoru Matsuda	112857-252	5201
29175	7590	10/22/2004	EXAMINER	
BELL, BOYD & LLOYD, LLC P. O. BOX 1135 CHICAGO, IL 60690-1135			KLINGER, SCOTT M	
			ART UNIT	PAPER NUMBER
			2153	

DATE MAILED: 10/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/714,743

Applicant(s)

MATSUDA ET AL.

Examiner

Scott M. Klinger

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 26 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-11 are pending.

Priority

As stated in the previous action, a claim for foreign priority has been made. The effective filing date for subject matter in the application is 24 November 1999.

Response to Arguments

Note: Applicant's remarks are in **bold type**, and the examiner's responses are indented

nowhere does Matsuda disclose or suggest the chat storage features as defined in independent claims 1 and 9 through 11. Contrary to the Patent Office's position (see, Office Action, pages 3 and 4), the chat windows in Figures 34-39 of Matsuda are not for storing only contents of a chat issued from a transmitter in the reception region or only contents of a chat issued from the transmitter when the reception object enters the transmission region as required by the claimed invention.

Applicant's arguments filed 26 July 2004 have been fully considered but they are not persuasive. Matsuda, Fig. 28, clearly shows a "*Chat Enable Radius Ra*" (as stated in the previous office action). Thus establishing a reception region, and in order for the chat to be enabled the chat must be issued from a transmitter in the reception region, or from a transmitter when the reception object enters the transmission region. Matsuda, Figs. 34-39 clearly show examples of such a chat window.

As further supported in the specification, the virtual space system 1 includes a server 2 as a virtual space control device for controlling a virtual space, an application object server 3 as a reception object control device for preparing and controlling a reception object, a chat storage file 4 as a chat storage means for storing the contents of a chat issued from a

Art Unit: 2153

transmitter, a network 5 as an electric communication means with which a number of users connect, and clients 6a, 6b and 6c as users for operating the transmitters in the virtual space. See, Specification, page 7, lines 14-22; and Fig. 1. Indeed, the Figures 34-39 of Matsuda merely provide examples of clients establishing a private chat between two clients in a three-dimensional virtual environment that includes multiple users. Clearly, this fails to disclose or suggest the chat storage features as claimed and moreover, Applicants believe that the remaining portions of Matsuda are deficient with respect to the chat storage features as well.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "*a server 2 as a virtual space control device for controlling a virtual space, an application object server 3 as a reception object control device for preparing and controlling a reception object, a chat storage file 4 as a chat storage means for storing the contents of a chat issued from a transmitter, a network 5 as an electric communication means with which a number of users connect, and clients 6a, 6b and 6c as users for operating the transmitters in the virtual space.*") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1, and 7-11 are rejected under 35 U.S.C. 102(a) as being anticipated by Matsuda et al. (U.S. Patent Number 5,926,179, hereinafter "Matsuda"). Matsuda discloses a three-dimensional virtual reality space display processing apparatus, a three-dimensional virtual reality space display processing method, and an information providing medium. Matsuda shows:

In referring to claims 1 and 9,

- Transmission object holding means for holding latest position information of a transmitter in a virtual space:

“As shown in the figure, it is assumed that an avatar of a user having user ID 01 is located at coordinates (x01, 0, z01) in a three-dimensional virtual reality space expressed in coordinates (x, y, z). For the user of this avatar, a range having radius R_v from the avatar's position (x01, 0, z01) is a visible area. An image in this visible area in the direction of which the avatar is orientated is displayed on the display device 45 of the client terminal of that user.” (Matsuda, col. 29, lines 48-56)

- Transmission region definition information (for defining a transmission region as a closed region at a side of the transmitter):

Matsuda, Figure 28 shows the transmission region definition information. A transmission object holding means for holding transmission region definition information is inherently implied in a system that generates and displays transmission region definition information

- Reception object holding means for holding latest position information of a reception object; reception region definition information for defining a reception region as a closed region at a side of the reception object:

The reception object has the same type of position information as the transmission object

- Chat storage means for storing only contents of a chat issued from the transmitter in the reception region or only contents of a chat issued from the transmitter when the reception object enters the transmission region:

Matsuda, Figures 34-39 show chat windows for storing only contents of a chat issued from the transmitter in the reception region or only contents of a chat issued from the transmitter when the reception object enters the transmission region

In referring to claim 7,

- The transmission region is defined while relation to the latest position information of the transmitter is established, and the reception region is defined while relation to the latest position information of the reception object is established:

A system that defines transmission and reception region information in relation to position information inherently implies the reception region is defined while relation to the latest position information of the reception object is established

In referring to claim 8,

- A reception object control device for preparing and controlling the reception object:
A system that uses a reception region to control chat functionality inherently implies a reception object control device for preparing and controlling the reception object
- The latest position information of the reception object and the reception region definition information are set while relation to the reception object is established:

A system that defines transmission and reception region information in relation to position information inherently implies the latest position information of the reception object and the reception region definition information are set while relation to the reception object is established

In referring to claims 10 and 11,

- Holding latest position information of a transmitter in the virtual space:

Matsuda, col. 29, lines 48-56 (full quote above)

Holding transmission region definition information for defining a transmission region as a closed region at a side of the transmitter:

Matsuda, Figure 28 shows the transmission region definition information. A transmission object holding means for holding transmission region definition information is inherently implied in a system that generates and displays transmission region definition information

Art Unit: 2153

Holding latest position information of a reception object; holding reception region definition information for defining a reception region as a closed region at a side of the reception object:

The reception object has the same type of position information as the transmission object

- Storing only contents of a chat issued from the transmitter in the reception region or only contents of a chat issued from the transmitter when the reception object enters the transmission region:

Matsuda, Figures 34-39 show chat windows for storing only contents of a chat issued from the transmitter in the reception region or only contents of a chat issued from the transmitter when the reception object enters the transmission region

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuda.

In referring to claim 2, although Matsuda shows substantial features of the claimed invention, including the system of claim 1 (see 102 rejection above) Matsuda does not show holding reception region use information indicating whether the reception region is used. Nonetheless this feature is well known in the art and would have been an obvious modification to the system disclosed by Matsuda. Matsuda Figure 28, shows the chat storage means stores only the contents of the chat issued from the transmitter when the reception object enters the transmission region. It would be obvious to choose between using the transmission region or the reception region as (assuming they both had the same chat enable radius) using either has the same result.

In referring to claim 3, Matsuda,

- In a case where the reception region use information indicates that the reception region is not used, storage of the contents of the chat is made while relation to the reception object holding means which has entered the transmission region is established:

A system that defines transmission and reception region information in relation to position information and uses the regions to determine if storage should be made inherently implies the storage of the contents of the chat is made while relation to the reception object holding means which has entered the transmission region is established

- In a case where the reception region is used, the storage is made while relation to the reception object holding means relative to the reception region where the transmitter has entered is established:

A system that defines transmission and reception region information in relation to position information and uses the regions to determine if storage should be made inherently implies the storage is made while relation to the reception object holding means relative to the reception region where the transmitter has entered is established

In referring to claim 4, although Matsuda shows substantial features of the claimed invention, including the system of claim 1 (see 102 rejection above), Matsuda does not explicitly show the transmission region and the reception region are closed regions defined by two-dimensional elements. Nonetheless this feature is well known in the art and would have been an obvious modification to the system disclosed by Matsuda.

Matsuda, Figure 28 shows a two-dimensional view of the transmission region. It would be obvious to use the two-dimensional view of Figure 28 as the transmission region, so as to simplify the calculation of the transmission region.

In referring to claims 5 and 6, although Matsuda shows substantial features of the claimed invention, including the system of claim 1 (see 102 rejection above), Matsuda does not explicitly show the transmission region and the reception region are inner regions of polygonal columns each having a section of a polygon drawn on a horizontal plane in the virtual space. Nonetheless

Art Unit: 2153

this feature is well known in the art and would have been an obvious modification to the system disclosed by Matsuda.

Matsuda, Figure 28 shows a two-dimensional view of the transmission region. It would be obvious to use the two-dimensional view of Figure 28 in conjunction with a vertical element (i.e. a column) as the transmission region, so as to simplify the calculation of the transmission region.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott M. Klinger whose telephone number is (703) 305-8285. The examiner can normally be reached on M-F 7:00am - 3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2153

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Scott M. Klinger
Examiner
Art Unit 2153

smk



FRANTZ B. JEAN
PRIMARY EXAMINER